

New Car Lemon Law

consumer**brief**

What happens if that brand new car or motorcycle you bought turns out to be a lemon? Under the New Jersey Lemon Law you may be entitled to reimbursement or a new car.

The Lemon Law applies to anyone who buys, leases or registers a **new** car or motorcycle in New Jersey. The intent of the law is to require the manufacturer of a new motor vehicle to correct the defects that are originally covered under the manufacturer's warranty and are identified and reported **within 18,000 miles or two years, whichever comes first**.

To qualify under the Lemon Law, the defect must substantially impair the use, value or safety of your vehicle.

WHAT IS NOT COVERED:

- The Lemon Law does **not** cover vehicles registered for commercial use.
- The Lemon Law does **not** cover the living quarters of motor homes.
- The Lemon Law does **not** cover the defects caused by accident, vandalism, abuse or neglect.
- The Lemon Law does **not** cover defects caused by attempts to repair or to modify the vehicle by a person other than the manufacturer, its agent or an authorized dealer.

GETTING YOUR VEHICLE REPAIRED

It is very important that you report any defect or condition directly to the manufacturer or dealer **immediately**.

It is also important that you keep all repair receipts and a complete record of all contacts with the manufacturer and dealer.

HOW LONG SHOULD THE REPAIR TAKE?

The Lemon Law allows the manufacturer a "reasonable amount of time" to repair or correct the defect. A "reasonable amount of time" means three repair attempts for the same defect or a total of 20 cumulative days out of service because of one or more defects or repairs.

WHAT YOU MUST DO

Before you can file a claim under the Lemon Law in the Division of Consumer Affairs, you must give the manufacturer one final chance to repair the defect. A letter to the manufacturer (**not** the dealer) must be sent by certified mail, return receipt requested, stating that you may have a claim and that you are giving the manufacturer one last chance to repair the defect. The manufacturer should be allowed 10 days following the date on the certified mail return receipt to repair the vehicle. Contact the Division of Consumer Affairs' Lemon Law Unit for the address of the manufacturer's regional office, to which you should send your letter.

SAMPLE LETTER TO THE MANUFACTURER

- A letter must be sent after your second unsuccessful attempt to repair the same problem or if the defects still exist after 20 cumulative days out of service.
- Your letter must be sent by certified mail-return receipt requested.
- It must be sent before the odometer hits 18,000 miles or you own the car for two years, whichever occurs first.
- Address the letter to the manufacturer.
- Be sure to include your name, address and telephone number. See the reverse side of this brief for a sample letter.

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Office of the Attorney General



New Jersey Division of
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If, after contacting the manufacturer, your problem(s) still exist, you should contact the Lemon Law Unit and request an application for Lemon Law Dispute Resolution.

This is a sample letter to the manufacturer. You must send this letter certified mail-return receipt requested.

Date

To Whom It May Concern:

I believe that my (passenger vehicle/motorcycle) is a "lemon" under the New Jersey Lemon Law (N.J.S.A. 56:12-29 to 56:12-49). I am hereby making a written demand for relief under the Lemon Law.

I (purchased/leased) a (make, model, year of vehicle and vehicle identification number) on (date) from (name of dealership) in (city, state). Since I bought the vehicle, I have had to return it to the dealership a total of (total number of times the vehicle was returned to an authorized dealer for repairs) times. My vehicle has been out of service for repairs for a total of (total number of calendar days the vehicle has been out of service being repaired) calendar days. The current mileage on my vehicle is (current odometer reading).

My vehicle has been in (name of authorized dealership) on the following days for repair of the following defects:

(date in & date out)
(etc.)

(List problems)
(etc.)

I am having the following problems with my vehicle at this time: (list all of the vehicle's current problems).

Since these defects substantially impair the use, value, or safety of my vehicle, I am hereby allowing you one final opportunity to repair my vehicle. If these repairs are not made within ten calendar days of receipt of this letter, I am entitled to a replacement vehicle acceptable to me or a refund calculated in accordance with the Lemon Law.

I look forward to hearing from you soon. You can reach me during the day at __-__-__ and in the evening at __-__-__.

Sincerely,

Your name

ENFORCING YOUR RIGHTS

If the manufacturer does not accept your Lemon Law claim and will not refund your money or replace your vehicle, you have three choices. You may:

- ask for a hearing through the Division of Consumer Affairs' Lemon Law Dispute Resolution Program;
- send your complaint to the manufacturer's informal dispute settlement program; or
- file a civil action in court.

RESOLUTION THROUGH THE DIVISION

The Lemon Law gives consumers the chance to have their cases heard before an administrative law judge in the Office of Administrative Law. You have the right to hire an attorney. An attorney is not required for this hearing but it may be to your advantage to have one present. The Lemon Law Unit does not provide legal representation for the consumer. The manufacturer, however, will be represented by an attorney. If you are successful in proving your case, you will be reimbursed any reasonable attorney's fees incurred.

IMPORTANT

To qualify for a hearing before an administrative law judge:

- You must have allowed the manufacturer three chances to repair substantially the same defects(s) OR your vehicle must have been out of service due to repairs for a total of 20 cumulative calendar days for a single problem or a series of problems.
- You must have notified the manufacturer in writing of its final chance to repair the defect, within the term of protection: 18,000 miles or two years, whichever occurs first.
- You must have given the manufacturer that final chance to repair the vehicle, and you must have the certified mail return receipt proving that the manufacturer received the "final chance" notification.

ANY QUESTIONS?

This information is just a guide. *If you have a question or are uncertain about a particular aspect of the Lemon Law, you can contact the N.J. Division of Consumer Affairs' Lemon Law Unit, P.O. Box 45026, Newark, NJ 07102, 973-504-6226. In addition, the Lemon Law Unit will provide, upon request, a guideline booklet to the New Jersey Lemon Law, a sample letter to the manufacturer, and the correct manufacturer's address.

* The Lemon Law Unit also enforces regulations on used cars, motorized wheelchairs and scooters.

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